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MV TRANSPORTATION, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TANIA KHAN, an individual,
Plaintiffs,

vs.

AMALGAMATED TRANSIT UNION
INTERNATIONAL ("ATU") LOCAL
1637, a nonprofit corporation; MV
TRANSPORTATION, INC., a for profit
corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,
Defendants.

Case No. 2:21-cv-01549-GMN-EJY

**STIPULATION TO EXTEND DISCOVERY
DEADLINES (THIRD REQUEST)**

Pursuant to LR IA 6-1, 6-2, and LR 26-3, Plaintiff and Defendants, by and through their respective counsel of record, have agreed to extend the time for discovery by sixty (60) days, from November 17, 2021 to January 17, 2022 and modify the Discovery Plan and Scheduling Order (ECF No. 57 from Case No. 2:19-cv-01537-GMN-EJY incorporated by ECF No. 2 herein) accordingly. This is the third request for extension to the Discovery Plan and Scheduling Order in this matter. The requested extension is sought in good faith and not for purposes of undue delay. This request is submitted at least twenty-one (21) days or more before the expiration of the subject deadlines.

A. Statement Of Discovery Completed To Date.

To date, Plaintiff has propounded three (3) sets of written discovery requests to Defendants.

Defendants are in the process of responding to the remaining requests. Defendant MV Transportation has propounded interrogatories and requests for production of documents, to which Plaintiff responded, in part, and is providing the remaining responsive documents and written answers. The parties are actively engaged in the meet and confer process to address. The parties have exchanged initial disclosures. The parties have supplemented their disclosures and continue supplementing discovery responses. Depositions of 30(b)(6) representatives and additional representatives of Defendants are being scheduled, pending availability of all counsel and the deponents identified. The scope of the 30(b)(6) topics are subject to the meet and confer process. The scope of discovery requests and responses are also being evaluated in light of the Court's severance of Plaintiff's claims from her prior co-Plaintiff, Robbie Harris, which necessitates a narrowing of the topics identified in the 30(b)(6) deposition notices as well as any supplemental responses to discovery.

B. Statement Of Discovery That Remains To Be Completed.

Defendants are in the process of responding to the remaining written discovery propounded by Plaintiff. The parties are scheduling depositions and discussing 30(b)(6) topics. The parties are engaging in the meet and confer process concerning written discovery responses and deposition notices, including as the scope of the same relate to the Court's Order severing Plaintiff's claims.

C. Reasons for Extension to Complete Discovery.

The parties worked hard to preserve fees and costs while engaging in settlement negotiations, and previous attempts at resolution have stalled, but have re-commenced. Plaintiff was hospitalized, and the Union's local counsel's wife gave birth late summer, such that the parties have been mindful of each other's personal scheduling limitations in the short term. Further, the parties' pending severing Plaintiff's claims from her previous co-Plaintiff, Robbie Harris (ECF No. 61, entered on August 19, 2021 in Case No. 2:19-cv-01537-GMN-EJY) has warranted a shift in discovery strategy, deposition requirements, and negotiation strategies. The parties have further agreed that this matter may be resolvable through informal negotiations. However, due to previously-scheduled trials involving both undersigned counsel and MV Transportation's in-house counsel in other matters and jurisdictions, the forthcoming holiday season, and previously-scheduled travel plans, the parties require an additional two months to finalize written discovery, take depositions, and on a parallel track, negotiate reasonable

1 resolution of this matter. Plaintiff will also be required to subpoena some of the witnesses identified
 2 for deposition where no longer affiliated with one or both of the Defendants. Further, Plaintiff
 3 counsel's law partner, the only other attorney in their firm, is currently managing a family crisis
 4 involving emergent hospitalization of his wife, requiring Plaintiff's counsel to manage all of the firm's
 5 cases for the foreseeable future. This extension is necessary to allow both parties sufficient time to
 6 complete remaining discovery, adjust to the Court's recent Order of severance, and engage in global
 7 settlement discussions.

8 **D. Proposed New Discovery Schedule.**

9 Accordingly, based on the foregoing and for good cause appearing, the parties, by and through
 10 their respective counsel of record, do hereby stipulate and agree as follows:

11 1. The discovery in this matter shall be extended by sixty (60) days, and all discovery
 12 shall be completed by January 17, 2022.

13 2. The deadline to file dispositive motions shall be February 16, 2022.

14 3. If no dispositive motions are filed, the Joint Pretrial Order shall be filed on or before
 15 March 18, 2022. If dispositive motions are filed, the deadline for filing the joint pretrial order will be
 16 suspended until 30 days after decision on the dispositive motions or further court order.

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1 In accordance with Local Rule 26-3, any stipulation or motion for modification or extension
2 of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the
3 expiration of the subject deadline.

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5 Dated this 27th day of October 2021.

Dated this 27th day of October 2021.

6 By: /s/ Z. Kathryn Branson
7 Rick D. Roskelley, Esq., Bar No. 3192
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11 Dated this 27th day of October 2021.

12 By: /s/ Nathan R. Ring
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15 *Attorneys for Defendant ATU, Local 1637*

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18 **ORDER**

19 **IT IS SO ORDERED:**

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22 UNITED STATES MAGISTRATE JUDGE

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24 **DATED: October 28, 2021**